



Promoting the wise use of land  
Helping build great communities

**9-1**  
**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**SUBDIVISION REVIEW BOARD**

|  |  |  |   |
|--|--|--|---|
| <b>MEETING DATE</b><br>September 12, 2005  | <b>CONTACT/PHONE</b><br>Murry Wilson<br>(805) 788-2352 | <b>APPLICANT</b><br>Teodora and Graciano Patague | <b>FILE NO.</b><br>C03-0354<br>S030112C |
| <b>SUBJECT</b><br>A request by Teodora and Graciano Patague for one Conditional Certificate of Compliance for an approximately 2 acre lot (APN: 074-222-002). The project is located at the north end of Lariat Drive, approximately 1,000 feet north of Los Osos Valley Road, approximately 1 mile east of the community of Los Osos, in the Estero planning area.  |  |  |   |
| <b>RECOMMENDED ACTION</b><br>1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.<br>2. Approve Conditional Certificate of Compliance C04-0354 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.  |  |  |   |
| <b>ENVIRONMENTAL DETERMINATION</b><br>The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 4, 2005 for this project. Mitigation measures are proposed to address agriculture and water and are included as conditions of approval. |  |  |   |
| <b>LAND USE CATEGORY</b><br>Residential Suburban   | <b>COMBINING DESIGNATION</b><br>Local Coastal Plan     | <b>ASSESSOR PARCEL NUMBER</b><br>074-222-002     | <b>SUPERVISOR DISTRICT(S)</b><br>2      |
| <b>PLANNING AREA STANDARDS:</b><br>Minimum Parcel Size – N/A   |  |  |   |
| <b>LAND USE ORDINANCE STANDARDS:</b><br>23.04.027 – Residential Suburban Category – N/A  |  |  |   |
| <b>EXISTING USES:</b><br>Agricultural Uses   |  |  |   |
| <b>SURROUNDING LAND USE CATEGORIES AND USES:</b><br>North: Agriculture; row crops                      East: Residential Suburban; agricultural uses<br>South: Residential Suburban; residential        West: Residential Suburban; agricultural uses and residence  |  |  |   |
| <b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b><br>The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Fire, Coastal Commission, Los Osos Community Services District, and the Los Osos Community Advisory Council  |  |  |   |
| <b>TOPOGRAPHY:</b><br>Site is nearly level   |  | <b>VEGETATION:</b><br>Non productive agriculture |   |
| <b>PROPOSED SERVICES:</b><br>Water supply: On-site well<br>Sewage Disposal: Individual septic system<br>Fire Protection: CDF   |  | <b>ACCEPTANCE DATE:</b><br>February 4, 2004      |   |
|  |  |  |   |
| <small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:<br/>COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>   |  |  |   |

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**PLANNING AREA STANDARDS:**

None applicable based on the date the applicants acquired their interest in the property. However, today's standards require the minimum parcel size for lots adjoining the agricultural area north of Tapidiero Road to be 5 acres.

**ORDINANCE STANDARDS:**

*Minimum Parcel Size*

Section 23.04.027 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Suburban land use category. The standards are based on the topography of the site and the type of water and sewer service. Minimum parcel size is based on the largest parcel size as calculated by the required tests.

| TEST                             | STANDARD                           | MINIMUM PARCEL SIZE |
|----------------------------------|------------------------------------|---------------------|
| Slope                            | Average slope is between 0 and 15% | 1 acre              |
| Water Supply and Sewage Disposal | On-site well<br>On-site septic     | 2.5 acres           |

As noted in the deed history below, a pre-1960 deed for the subject lot does not exist. Therefore, a conditional certificate of compliance is required to legalize the parcel. The owners of the subject lot do not own the surrounding lots, making it impossible to increase the lot to the required 2.5 acre minimum parcel size of the land use category; therefore staff has determined it appropriate to legalize this lot with conditions. The conditions applied are conditions that would have been applied to a tentative map in the year the owner's acquired their interest in the subject property (1971).

**ENVIRONMENTAL DETERMINATION:** The applicant has signed a Developer's Statement that mitigates several environmental concerns of the future development of this parcel that is slightly smaller than would be allowed by today's subdivision standards.

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AGENCY REVIEW:

Public Works- Recommend approval, see comments on "possible conditions" page  
Environmental Health - Well completion reports, pump tests, full water quality testing and soil testing prior to building permit  
Ag Commissioner- Recommend agricultural buffer and Right-to-Farm disclosure  
County Parks – pay Qumiby fees  
CDF – no comments  
LOCSD – No facilities in the area

LEGAL LOT STATUS: This lot has not been legally created. See deed history below. Approval of this Conditional Certificate of Compliance will make this a legal lot.

Deed History

The applicant is requesting one conditional certificate of compliance for an approximate 2.0 acre parcel that was originally a portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, according to a map made by Jas. T. Stratton and filed for record in Book A at Page 83 of Maps.

A Notice of Intention to Record a Notice of Violation for this property was recorded on August 22, 1979 (2179 OR 779). A Notice of Violation was recorded on November 19, 1979 (2203 OR 902). This Conditional Certificate of Compliance has been requested to release the Notice of Violation that was filed against the property in 1979. Applicable deed history is as follows:

**June 24, 1958 – 955 OR 263 recorded August 29, 1958** – Deed from Morganti to Johns. Included Lot 31 and portions of Lots 30 and 79 – numerous parcels and **includes the subject parcel**. Legal transaction.

**July 17, 1958 – 955 OR 265 recorded August 29, 1958** – Deed from Morganti to Johns. Included Lot 31 and portions of Lots 30 and 79 – numerous parcels and **includes the subject parcel**. Legal transaction.

**August, 14, 1958 – 955 OR 269 recorded August 29, 1958** – Deed from Johns to Morro-Los Osos Land and Investment Co. Included Lot 31 and portions of Lots 30 and 79 – numerous parcels and **includes the subject parcel**. Legal transaction.

**1331 OR 267 recorded December 31, 1964** – Deed from Morro Los Osos Land and Investment Co., to Los Osos Valley Memorial Park Inc for APN: 074-222-010 and 011. Legal transaction for APN: 074-222-010. **Illegal transaction for 074-222-011**. This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created. The transfer of this parcel resulted in the remainder of the parcel from 955 OR 269 (except for transfer of 074-222-010) being considered illegal. APN: 074-222-011 may be the subject of a future conditional certificate of compliance application.

**November 19, 1964 – 1331 OR 270 recorded December 31, 1964** – Deed from Morro Los Osos Land and Investment Co. to Menor. Included APNS: 074-222-001, 003, 012 and 002

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(**subject parcel**). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. See following deed entries.

**November 19, 1964 – 1331 OR 274 recorded December 31, 1964** – Deed from Menor to Ocol for APN: 074-222-001. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-001 may be the subject of a future conditional certificate of compliance application.

**November 19, 1964 – 1331 OR 279 recorded December 31, 1964** – Deed from Menor to Bernardo and Adela Patague for APN: **074-222-003**. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Notice of Intention to Record a Notice of Violation was recorded Aug 22, 1979 (Doc. # 38376). Notice of Violation was recorded November 19, 1979 (Doc. 54157). This parcel will be the subject of a future conditional certificate of compliance application.

**November 19, 1964 – 1331 OR 284 and 289 recorded December 31, 1964** – Deed from Menor to Galo (284) and to Dres and Galo (289) for APN: **074-222-012**. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. Conditional Certificate of Compliance C1980-0029 was approved and recorded December 24, 1980, 2294 OR 560.

**November 19, 1964 – 1331 OR 294 recorded December 31, 1964** – Deed from Morro Los Osos Land and Investment Co. to Gaoriran for APN: 074-222-006 and 007. Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-007 may be the subject of a future conditional certificate of compliance application. For APN: 074-222-006 see next deed.

**November 19, 1964 – 1331 OR 298 recorded December 31, 1964** - Deed from Gaoriran to Dres and Galo. Certificate of Compliance C80-0005 recorded 9/29/1980 for APN: 074-222-006.

**November 19, 1964 – 1331 OR 303 recorded December 31, 1964** – Deed from Morro-Los Osos Land and Investment Co. to Galvez for APNS: 074-222-008 and 009. For APN: 074-222-008 see next entry.

**November 19, 1964 – 1331 OR 307 recorded December 31, 1964** – Deed from Galvez to Hilario and Asela Patague for APN: 074-222-008. . Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. APN: 074-222-008 may be the subject of a future conditional certificate of compliance application.

**October 10, 1968 – 3 PM 12** – Parcel Map CO67-0038 for APN: 074-222-009 and 010. Current configuration of these two APNS does not match the recorded map. County staff will coordinate on appropriate action to rectify.

**November 19, 1971 – 1642 OR 582 recorded November 30, 1971** - Deed from Menor to Graciano and Teodora Patague for APN: 074-222-002 (**SUBJECT PARCEL**). Illegal transaction given illegal transaction on 1331 OR 267 for APN: 074-222-011. A Notice of Intention to Record a Notice of Violation was recorded on August 22, 1979 (Doc. 38377) for APN: 074-222-002. A Notice of Violation was recorded on November 19, 1979 (Doc. 54161).

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**The original violation date was December 31, 1964 for 1331 OR 267 which the APN: 074-222-002 is subject to.** This was a violation of the County's Lot Division Ordinance and State Subdivision Map Act because lots less than three acres in size could not be created after October 12, 1960 without first having a subdivision approval by the County. A tract or parcel map was required to be approved to create parcels at that time; therefore the parcel was not legally created.

Pursuant to the Subdivision Map Act, the parcel should comply with the subdivision standards in effect on November 19, 1971 as that is the year that the applicants acquired their interest in the property.

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## FINDINGS - EXHIBIT A

### *Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 4, 2005 for this project. Mitigation measures are proposed to address agriculture and water and are included as conditions of approval.

### *Conditional Certificate of Compliance*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, the Estero area plan and all other general plan policies because future development will be subject to all applicable standards and land use permit requirements and is consistent with the development of the area.
- C. Pursuant to the Subdivision Map Act, the parcel is required to comply with the subdivision standards in effect as of 1971 because the applicant is not the subdivider who created the current parcel and 1971 is the year the applicants gained interest in said parcel.
- D. As conditioned, the proposed project and associated use satisfies all applicable provisions of the Subdivision Map Act and County Real Property Division Ordinance.

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**RECORDING REQUESTED BY  
SAN LUIS OBISPO COUNTY**

**WHEN RECORDED, RETURN TO:**

Director of Planning & Building  
County Government Center  
San Luis Obispo, California 93408  
ATTN: Jo S. Manson

APN(S): 074-222-002  
PROJECT/PCL NO: C03-0354/1 FILE NO: S030112C

**DRAFT**



**CONDITIONAL CERTIFICATE OF COMPLIANCE**

**California Government Code Section 66499.35(b)**

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be NOT in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

All of the following conditions shall be fulfilled and implemented prior to the issuance of any required permits or other grant of approval for development of the parcel of real property described herein:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, and is described as follows:

*As described in Exhibit B attached to this certificate and incorporated herein as if set forth in full.*

**RECORD OWNER(S):**

Graciano A. Patague and Teodora M. Patague,  
Husband and Wife, as Joint Tenants.

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF SAN LUIS OBISPO )

(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: \_\_\_\_\_  
Jo S. Manson, Planner II

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2004,  
before me, Mary L. Velarde, Notary Public, personally

appeared \_\_\_\_\_,  
personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me  
that, he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s) or the entity upon behalf of which the  
person(s) acted, executed the instrument.

Witness my hand and official seal.

\_\_\_\_\_  
Mary L. Velarde, Notary Public

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APN(S): 074-222-002  
PROJECT NO: C03-0384

**EXHIBIT A**

Conditions

FILE NO: S030112C

PARCEL NO: 1

**DRAFT**

CONDITIONS TO BE SET BY THE SAN LUIS OBISPO COUNTY SUBDIVISION REVIEW BOARD



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APN(S): 074-222-002  
PROJECT NO: C03-0354

FILE NO: S030112C  
PARCEL NO: 1

**EXHIBIT B**  
Legal Description

**DRAFT**

That portion of Lots 30 and 31 of the Subdivisions of Ranchos Canada de Los Osos and La Laguna, according to Map made by Jas. T. Stratton and filed for record in Book A at Page 83 of Maps, described as follows:

Beginning at the most Easterly corner of Lot 12 in Block 6 of Tract No. 130 according to Map recorded June 2, 1959 in Book 6, at Page 21 of Maps; Thence North  $20^{\circ} 04' 20''$  East, 578.14 feet; Thence South  $72^{\circ} 40' 26''$  East along the Southerly line of the property described in Book 90, at Page 463 of Deeds, 273.50 feet to the most Easterly corner of the land described in deed to Ray Ocol, a Married Man, recorded December 31, 1964 in Book 1331 at Page 274 of Official Records, and the true point of beginning of the land herein described; Thence South  $17^{\circ} 19' 34''$  West along the Southeasterly line of said land of Ocol, 709.80 feet to the Northeasterly line of said Tract No. 130; Thence along said Northeasterly line South  $87^{\circ} 46' 19''$  East 130.25 feet to the most Westerly corner of the land described in deed to Bernardo Patague et ux, recorded December 31, 1964 in Book 1331 at Page 279 of Official Records; Thence North  $17^{\circ} 19' 34''$  East along the Northwesterly line of said land of Patague, 675.87 feet to said Southerly line of land described in Book 90 at Page 463 of Deeds; Thence North  $72^{\circ} 40' 26''$  West along said Southerly line 125.75 feet to the True Point of Beginning.

## CONDITIONS - EXHIBIT B

**Approved Project**

1. This approval recognizes one parcel created in violation of local and state ordinances for sale or development. The parcel is approximately 2 acres in size.

**Water Quality**

2. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide the following to the satisfaction of County Environmental Health Department: A well completion report, pump tests, and a full water quality report.

**Agriculture**

3. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall record a mitigation agreement in a form acceptable to County Council to provide an agricultural buffer on the subject property as shown on the attached Exhibit C, and as follows:

a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

4. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

**Miscellaneous**

5. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall apply for a notice of Voluntary Merger for county review and approval for portions of Lot 30 and Lot 31 of Rancho Canada de Los Osos and La Laguna (APN: 074-222-002).
6. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall dedicate a thirty (30) foot road right-of-way along the southern edge of APN: 074-222-002 and connection to Lariat Drive.
7. **Prior to recordation of the Conditional Certificate of Compliance**, the owner shall construct a ½ county-standard gravel road surface.
8. These lots are subject to the standard conditions of approval for all lots using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS

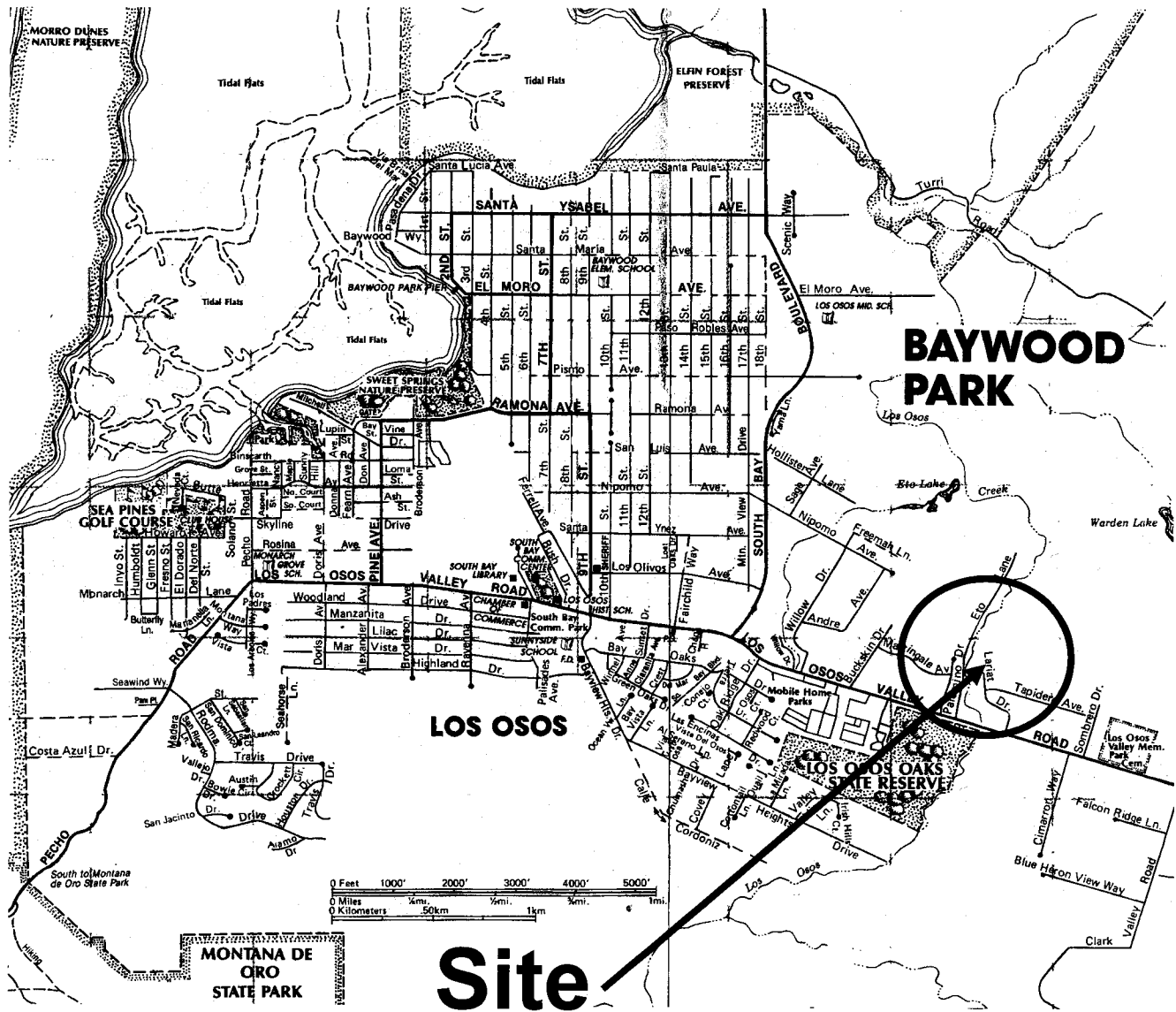
1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to issuance of construction permits. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
  - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
  - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
  - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to issuance of construction permit. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to issuance of construction permit.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.

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6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.
7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to issuance of construction permit, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to issuance of construction permit.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to issuance of construction permit.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots.

Staff report prepared by Murry Wilson and reviewed by Kami Griffin.

**SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING**



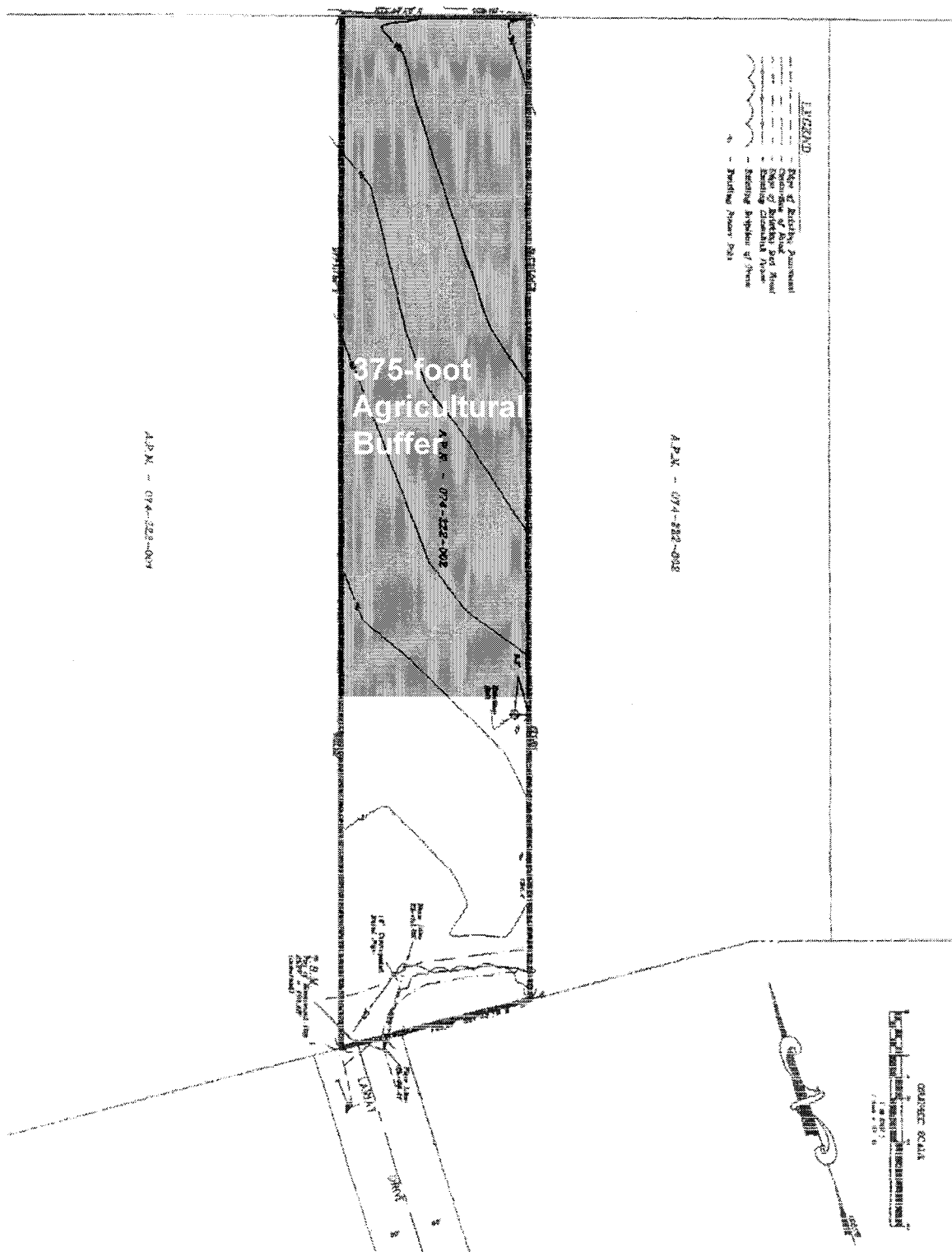
## PROJECT

**Conditional Cert. of Compliance**  
**Patague/ S030112C (C03-0354)**

**EXHIBIT**

## Vicinity Map





**PROJECT**  
Conditional Cert. of Compliance  
Patague/ S030112C (C03-0354)



**EXHIBIT**  
**Exhibit C –**  
**Agricultural Buffer**



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**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (mw)

**ENVIRONMENTAL DETERMINATION NO. ED04-377**

**DATE: 08/04/2005**

**PROJECT/ENTITLEMENT:** Patague Conditional Certificate of Compliance C03-0354/ S030112C

**APPLICANT NAME:** Teodora and Graciano Patague

**ADDRESS:** 3331 Viewcrest Drive, Brbk, CA, 91504

**CONTACT PERSON:** Shaunna Sullivan

**Telephone:** 805-528-3355

**PROPOSED USES/INTENT:** Request by Teodora and Graciano Patague to recognize as legal one approximately 2 acre parcel (consistent with the land use category). The subject property is within the Residential Suburban land use category.

**LOCATION:** The project is located on the end of Lariat Drive, approximately 1,000 feet north of Los Osos Valley Drive, approximately 1 mile east of the community of Los Osos, in the Estero planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 5 p.m. on 08/18/2005**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No. \_\_\_\_\_**

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ *Lead Agency*  
☐ *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Murry Wilson

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**



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California Department of Fish and Game  
**CERTIFICATE OF FEE EXEMPTION**  
De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** Patague Conditional Certificate of Compliance ED04-377; S030112C

**Project Applicant**            Teodoro and Graciano Patague

Address:                    3331 Viewcrest Drive  
City, State, Zip Code:    BRBK, CA, 91504  
Telephone #:              818-995-5897

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination

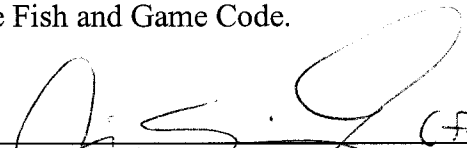
**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ( )            The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ( )            The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ( X )          The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ( )            The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. \_\_\_\_\_.
- ( )            Other:

**CERTIFICATION:** \_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

 (for)  
\_\_\_\_\_  
**Ellen Carroll**, Environmental Coordinator  
County of San Luis Obispo

Date: 4/1/2005

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# Notice of Completion & Environmental Document Transmittal

UPS mailing: State Clearinghouse, 1400 Tenth St., Sacramento, CA 95814 (916)445-0613  
U.S. Postal mailing: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044

SCH# \_\_\_\_\_

## Project Title: Patague Conditional Certificate of Compliance (S030112C)

Lead Agency: County of San Luis Obispo

Contact Person: Murry Wilson

Street Address: County Government Center, Rm 310

Telephone: (805)781-5600

City: San Luis Obispo Zip: 93408-2040

County: San Luis Obispo

## Project Location

County: San Luis Obispo City/Nearest Community: Los Osos

Cross Streets: Lariat Zip Code: 93402 Total Acres: ~2

Assessor's Parcel Number: 074-222-002 on: n/a Twp. n/a Range: n/a Base: n/a

Within 2 miles: X Waterways: Los Osos Creek

Airports: n/a Railways: n/a Schools: n/a

## Document Type

CEQA: ☐ NOP ☐ Supplement/Subsequent ☐ NEPA: ☐ NOI ☐ Other: ☐ Joint Document  
☐ Early Cons EIR (Prior SCH No.) ☐ EA ☐ Final Document  
☒ Neg Dec ☐ Other ☐ Draft EIS ☐ Other ☐  
☐ Draft EIR ☐ FONSI

## Local Action Type

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation  
☐ General Plan Amendment ☐ Master Plan ☐ Prezone ☐ Redevelopment  
☐ General Plan Element ☐ Planned Unit Development ☐ Use Permit ☐ Coastal Permit  
☐ Community Plan ☐ Site Plan ☒ Land Division(Subdivision,etc.) ☐ Other

## Development Type

☐ Residential: Units Acres 2 ☐ Water Facilities Type MGD  
☐ Office: Sq.ft. Acres Employees ☐ Transportation: Type   
☐ Commercial: Sq.ft. Acres Employees ☐ Mining: Mineral   
☐ Industrial: Sq.ft. Acres Employees ☐ Power: Type Watts  
☐ Educational:  ☐ Waste Treatment: Type   
☐ Recreational:  ☐ Hazardous Waste: Type   
☒ Other: Certificate of Compliance ☐ OCS-related: Type

Funding (approx.): Federal \$  State \$  Total \$

## Project Issues Discussed in Document

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities ☒ Water Quality  
☒ Agricultural Land ☐ Forest Land/Fire Hazard ☐ Septic Systems ☐ Water supply/groundwater  
☐ Air Quality ☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian  
☐ Archeological/Historical ☐ Minerals ☐ Soil erosion/compaction/grading ☐ Wildlife  
☐ Coastal Zone ☐ Noise ☐ Solid Waste ☐ Growth Inducing  
☐ Drainage/Absorption ☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Land Use  
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation ☐ Cumulative Effects  
☐ Fiscal ☐ Recreation/Parks ☐ Vegetation ☐ Other

Present Land Use/Zoning/General Plan Designations: Vacant / Residential Suburban

**Project Description:** Request by Teodora and Graciano Patague for a Conditional Certificate of Compliance for one approxiamtely 2 acre lot. The lot create is located at the north end of Lariat Drive, approximately 1,000 feet north of Los Osos Valley Road, approximately 1 mile east of the community of Los Osos, in the Estero planning area.

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# Reviewing Agencies Checklist

## KEY

S = Document sent by lead agency

X = Document sent by SCH

✓ = Suggested distribution

### Resources Agency

- ☐ Boating & Waterways
- ☒ Coastal Commission
- ☐ Coastal Conservancy
- ☐ Colorado River Board
- ☐ Conservation
- ☐ Fish & Game
- ☐ Forestry & Fire Protection
- ☐ Office of Historic Preservation
- ☐ Parks & Recreation
- ☐ Reclamation Board
- ☐ S.F. Bay Conservation & Development Commission
- ☐ Water Resources (DWR)

### Business, Transportation & Housing

- ☐ Aeronautics
- ☐ California Highway Patrol
- ☐ CALTRANS District #5
- ☐ Department of Transportation Planning(headquarters)
- ☐ Housing & Community Development
- ☐ Food & Agriculture

### Health & Welfare

- ☐ Health Services \_\_\_\_\_

### State & Consumer Services

- ☐ General Services
- ☐ OLA (Schools)

### Environmental Protection Agency

- ☐ Air Resources Board
- ☐ California Waste Management Board
- ☐ SWRCB: Clean Water Grants
- ☐ SWRCB: Delta Unit
- ☐ SWRCB: Water Quality
- ☐ SWRCB: Water Rights
- ☐ Regional WQCB#\_(Central Coast Region)

### Youth & Adult Corrections

- ☐ Corrections

### Independent Commissions & Offices

- ☐ Energy Commission
- ☐ Native American Heritage Commission
- ☐ Public Utilities Commission
- ☐ Santa Monica Mountains Conservancy
- ☐ State Lands Commission
- ☐ Tahoe Regional Planning Agency
- ☐ OTHER \_\_\_\_\_

### Public Review Period (to be filled in by lead agency)

Starting Date 8/4/05

Ending Date 9/4/05

Signature Murry Wilson

Date July 26, 2005

#### Lead Agency (Complete if applicable): County of San Luis Obispo

Consulting Firm: n/a

Firm's Address: County Gov. Center, Room 310

City/State/Zip: San Luis Obispo, CA 93408-2040

Contact: Murry Wilson

Phone: (805) 788-2352

#### Applicant: Teodora and Graciano Patague

Address: 3331 View Crest Dr.

City/State/Zip: Burbank, CA 93504

Phone: (805) 528-3355

#### For SCH Use Only:

Date Received at SCH \_\_\_\_\_

Date Review Starts \_\_\_\_\_

Date to Agencies \_\_\_\_\_

Date to SCH \_\_\_\_\_

Clearance Date \_\_\_\_\_

Notes:

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Patague Conditional Certificate of Compliance ED04-377:  
S030112C (C03-0354)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                        | <input type="checkbox"/> Geology and Soils           | <input type="checkbox"/> Recreation                 |
| <input checked="" type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality                       | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Wastewater                 |
| <input type="checkbox"/> Biological Resources              | <input type="checkbox"/> Population/Housing          | <input checked="" type="checkbox"/> Water           |
| <input type="checkbox"/> Cultural Resources                | <input type="checkbox"/> Public Services/Utilities   | <input type="checkbox"/> Land Use                   |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Airlin Singewald  
Prepared by (Print)

Signature

Date

Steve McMasters  
Reviewed by (Print)

Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

Date

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**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** Request by Teodora and Graciano Patague for a Conditional Certificate of Complinance for one approximately 2 acre lot. The lot created is located at the north end of Lariat Drive, approximately 1,000 feet north of Los Osos Valley Drive, approximately 1 mile east of the community of Los Osos, in the Estero planning area.

**ASSESSOR PARCEL NUMBER(S):** 074-222-002

**SUPERVISORIAL DISTRICT #** 2

**B. EXISTING SETTING**

**PLANNING AREA:** Estero, Rural

**LAND USE CATEGORY:** Residential Suburban

**COMBINING DESIGNATION(S):** Local Coastal Plan/Program

**EXISTING USES:** Agricultural uses

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Grasses

**PARCEL SIZE:** 2 acres

**SURROUNDING LAND USE CATEGORIES AND USES:**

|   |  |
|---|--|
| <i>North:</i> Agriculture; agricultural uses    | <i>East:</i> Residential Suburban; agricultural uses               |
| <i>South:</i> Residential Suburban; residential | <i>West:</i> Residential Suburban; agricultural uses and residence |

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with

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the proposed uses can be minimized to less than significant levels.

## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

| 1. <b>AESTHETICS</b> - <i>Will the project:</i>                               | Potentially<br>Significant | Impact can<br>& will be<br>mitigated | Insignificant<br>Impact             | Not<br>Applicable        |
|---|----------------------------|--------------------------------------|-------------------------------------|--------------------------|
| a) <i>Create an aesthetically incompatible site open to public view?</i>      | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Introduce a use within a scenic view open to public view?</i>           | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Change the visual character of an area?</i>                             | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Create glare or night lighting, which may affect surrounding areas?</i> | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Impact unique geological or physical features?</i>                      | <input type="checkbox"/>   | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <i>Other:</i> _____  | <input type="checkbox"/>   | <input type="checkbox"/>             | <input type="checkbox"/>            | <input type="checkbox"/> |

**Visual Impacts** – No scenic vistas will be affected. The project will not be visible from any significant public view corridor; therefore no significant visual impacts are expected to occur and no mitigation measures are necessary.

| 2. <b>AGRICULTURAL RESOURCES</b><br>- <i>Will the project:</i>                             | Potentially<br>Significant | Impact can<br>& will be<br>mitigated | Insignificant<br>Impact  | Not<br>Applicable        |
|--|----------------------------|--------------------------------------|--------------------------|--------------------------|
| a) <i>Convert prime agricultural land to non-agricultural use?</i>                         | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Impair agricultural use of other property or result in conversion to other uses?</i> | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Conflict with existing zoning or Williamson Act program?</i>                         | <input type="checkbox"/>   | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Other:</i> _____   | <input type="checkbox"/>   | <input type="checkbox"/>             | <input type="checkbox"/> | <input type="checkbox"/> |

**Setting/Impacts** - The soil types include:  
Marimel silty clay loam

As described in the NRCS Soil Survey, the "non-irrigated" soil class is "III" ,and the "irrigated soil class is "I".

At the time the illegal subdivision occurred, the parcel was in the Agriculture land use category. Adjacent properties to the north of the project are within the Agriculture land use category, and properties to the south, east, and west are currently within the Residential Suburban land use category. The agricultural area to the north supports an extensive amount of irrigated row crops on prime soils. Irrigated row crops on prime soils are also grown on the project site farmed in conjunction

with approximately two acres west of the project site.

The Agricultural Commissioner has reviewed the proposed project, and has identified the possibility of potential significant impacts to agricultural resources.

**Potential Impacts to On-Site Agricultural Resources** – At the time the illegal subdivision occurred; the property was in the Agriculture land use category. Although development of the parcel would result in the conversion of prime soils, this potential impact is less than significant because the two-acre parcel is not of adequate size to support production agriculture.

**Impacts to Adjacent Agricultural Lands** – One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture. The agricultural area to the north of the project site supports irrigated row crops. Development of habitable structures could be incompatible with these existing facilities/uses because of noise associated with the operation of truck traffic, dust and pesticide use.

**Mitigation/Conclusions** - The project will be required to incorporate the following measures, as recommended by the Agricultural Commissioner, to reduce potentially significant impacts to agricultural resources to less than significant levels:

1. **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area. Should the adjacent agricultural property(ies) be rezoned to nonagricultural uses and subsequent development convert the prime soils to urbanized uses eliminating crop production potential, such factors will be taken into consideration during any future applicant requesting reconsideration of the agricultural buffer.

2. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

| 3. <b>AIR QUALITY - Will the project:</b>   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <b>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</b> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <b>Expose any sensitive receptor to substantial air pollutant concentrations?</b>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| 3. AIR QUALITY - <i>Will the project:</i>                       | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| c) <i>Create or subject individuals to objectionable odors?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Be inconsistent with the District's Clean Air Plan?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other:</i> _____  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Air Quality Impacts** - The Air Pollution Control District has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The project is for one Conditional Certificate of Compliance on a lot in the Residential Suburban land use category. Approval of the Conditional Certificate could result in the construction of one single-family residence on the proposed parcel. Construction of one single-family residence would result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. No significant air quality impacts are expected to occur, and no mitigation measures are necessary.

The Clean Air Plan includes land use management strategies to guide decisionmakers on land use approaches that result in improved air quality. (As identified by APCD) This development is somewhat inconsistent with the "Planning Compact Communities" strategy, where increasing development densities within urban areas is preferable over increasing densities in rural areas. Increasing densities in rural areas results in longer single-occupant vehicle trips and increases emissions. In this instance, this partial inconsistency is not considered significant for the following reasons: 1) the proposed density of this subdivision is still consistent with what was assumed in the last update of the Clean Air Plan, which, based in part on this density, approved the necessary control measures to achieve acceptable air quality attainment in the future; and 2) standard forecast modeling (e.g., ARB URBEMIS2001) identifies that vehicles in the near future will produce substantially lower emissions (e.g., use of electric, hybrid and advanced technology vehicles). Based on the above discussion, given the smaller number of potential new residences, both individual and cumulative impacts are expected to be less than significant as it relates to the Clean Air Plan land use strategies.

| 4. BIOLOGICAL RESOURCES - <i>Will the project:</i>   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Result in a loss of unique or special status species or their habitats?</i>          | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |



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**4. BIOLOGICAL RESOURCES -**  
**Will the project:**

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| c) <i>Impact wetland or riparian habitat?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Other:</i> _____  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting** - The following habitats were observed on the proposed project: Grasses. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

**Plants:** Arroyo De La Cruz Manzanita (*Arctostaphylos cruzensis*), San Luis Obispo Monardella (*Monardella frutescens*), and Jones's Layia (*Layia jonesii*). Located about 1 mile from parcel are Morro Manzanita (*Arctostaphylos morroensis*), Splitting Yarn Lichen (*Sulcaria isidiifera*) and Pecho Manzanita (*Arctostaphylos pechoensis*).

**Wildlife:** Tidewater Goby (*Eucyclogobius newberryi*), Morro Bay Kangaroo Rat (*Dipodomys heermanni morroensis*). Located about 1 mile from parcel are Morro Shoulderband Snail, (*Heminthoglypta Walkeriana*).

**Habitats:** Redlegged Frog and Coastal and Valley Freshwater Marsh

**Impact** - The project site is currently used for agricultural operations, and does not support any sensitive native vegetation, significant wildlife habitats, or special status species. Although, state and federally recognized endangered species were identified in the vicinity of the project by the California Diversity Database, aerial photographs and site visits have confirmed that due to the high level of site disturbance from agriculture operations and the lack of any potential endangered species habitat on the site, the project would not impact these species.

**5. CULTURAL RESOURCES -**  
**Will the project:**

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Disturb pre-historic resources?</i>    | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Disturb historic resources?</i>        | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Disturb paleontological resources?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Other:</i> _____                       | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Culture Resources Impacts** - The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

A Phase I (surface) survey was conducted (Ethan Bertrando, International Archaeological Investigations/ November 2004). No evidence of cultural materials was noted on the property.

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Impacts to historical or paleontological resources are not expected.

| <b>6. GEOLOGY AND SOILS -</b><br><i>Will the project:</i>   | <b>Potentially<br/>Significant</b> | <b>Impact can<br/>&amp; will be<br/>mitigated</b> | <b>Insignificant<br/>Impact</b>     | <b>Not<br/>Applicable</b> |
|---|------------------------------------|---|-------------------------------------|---------------------------|
| a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>            | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist-Priolo)?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i> | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| e) <i>Include structures located on expansive soils?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| g) <i>Involve activities within the 100-year flood zone?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| i) <i>Preclude the future extraction of valuable mineral resources?</i>   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| j) <i>Other:</i> _____  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input type="checkbox"/>            | <input type="checkbox"/>  |

**Setting - GEOLOGY** - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high.

Active faulting is known to exist on or near the subject property (about .20 miles northeast). The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Los Osos Creek) from the proposed development is approximately .05 to the west.

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As described in the NRCS Soil Survey, the soil is considered not well drained. For areas where drainage is identified as a potential issue, the (CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** - The soil types include:  
Marimel silty clay loam

As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility, and moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

**Impact** - No specific measures above what will already be require by ordinance or code for geology, drainage, or sedimentation and erosion are considered necessary. Therefore, impacts are less than significant.

| 7. <b>HAZARDS &amp; HAZARDOUS MATERIALS</b> - <i>Will the project:</i>   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <b>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</b> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <b>Interfere with an emergency response or evacuation plan?</b>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <b>Expose people to safety risk associated with airport flight pattern?</b>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <b>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</b>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <b>Create any other health hazard or potential hazard?</b>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <b>Other:</b> _____   | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Hazards and Hazardous Materials Impacts** - The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

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The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

| <b>8. NOISE - Will the project:</b>  | <b>Potentially<br/>Significant</b> | <b>Impact can<br/>&amp; will be<br/>mitigated</b> | <b>Insignificant<br/>Impact</b>     | <b>Not<br/>Applicable</b> |
|--|------------------------------------|---|-------------------------------------|---------------------------|
| a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i> | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>            | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| c) <i>Expose people to severe noise or vibration?</i>                                    | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| d) <i>Other:</i> _____   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input type="checkbox"/>            | <input type="checkbox"/>  |

**Noise Impacts** - The project will not generate nor is it exposed to significant stationary or transportation-related noise sources, therefore, no significant noise impacts are expected to occur.

| <b>9. POPULATION/HOUSING - Will the project:</b>   | <b>Potentially<br/>Significant</b> | <b>Impact can<br/>&amp; will be<br/>mitigated</b> | <b>Insignificant<br/>Impact</b>     | <b>Not<br/>Applicable</b> |
|--|------------------------------------|---|-------------------------------------|---------------------------|
| a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i> | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| c) <i>Create the need for substantial new housing in the area?</i>   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| d) <i>Use substantial amount of fuel or energy?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| e) <i>Other:</i> _____   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input type="checkbox"/>            | <input type="checkbox"/>  |

**Population and Housing Impacts** - In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee

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be imposed as a condition of approval of any new residential development project.

The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion** - Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

| <b>10. PUBLIC SERVICES/UTILITIES -</b><br><i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i> | <b>Potentially Significant</b> | <b>Impact can &amp; will be mitigated</b> | <b>Insignificant Impact</b>         | <b>Not Applicable</b>    |
|--|--------------------------------|---|-------------------------------------|--------------------------|
| a) <i>Fire protection?</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Police protection (e.g., Sheriff, CHP)?</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Schools?</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Roads?</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Solid Wastes?</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) <i>Other public facilities?</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) <i>Other:</i> _____   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input type="checkbox"/>            | <input type="checkbox"/> |

**Public Services/Utilities Impacts** - The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF (South Bay Fire Department) fire station is approximately 1.5 miles to the west. The closest Sheriff substation is in Los Osos, which is approximately 1.5 miles from the proposed project. The project is located in the San Luis Coastal Unified School District.

The project, along with numerous others in the area will have a cumulative effect on police and fire protection, and school. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

| <b>11. RECREATION - Will the project:</b>   | <b>Potentially Significant</b> | <b>Impact can &amp; will be mitigated</b> | <b>Insignificant Impact</b>         | <b>Not Applicable</b>    |
|---|--------------------------------|---|-------------------------------------|--------------------------|
| a) <i>Increase the use or demand for parks or other recreation opportunities?</i> | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Affect the access to trails, parks or other recreation opportunities?</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Other</i> _____   | <input type="checkbox"/>       | <input type="checkbox"/>                  | <input type="checkbox"/>            | <input type="checkbox"/> |

**Recreation Impacts** - The project is not proposed in a location that will affect any trail, park or other recreational resource. Prior to map recordation, county ordinance requires the payment of a fee

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(Quimby) for the improvement or development of neighborhood or community parks.

**Mitigation/Conclusion** - The "Quimby" fee will adequately mitigate the project's impact on recreational facilities.) No significant recreation impacts are anticipated, and no mitigation measures are necessary.

| <b>12. TRANSPORTATION/<br/>CIRCULATION - Will the project:</b> |   | <b>Potentially<br/>Significant</b> | <b>Impact can<br/>&amp; will be<br/>mitigated</b> | <b>Insignificant<br/>Impact</b>     | <b>Not<br/>Applicable</b> |
|--|---|------------------------------------|---|-------------------------------------|---------------------------|
| a)   | <i>Increase vehicle trips to local or areawide circulation system?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| b)   | <i>Reduce existing "Levels of Service" on public roadway(s)?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| c)   | <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>                                    | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| d)   | <i>Provide for adequate emergency access?</i>   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| e)   | <i>Result in inadequate parking capacity?</i>   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| f)   | <i>Result in inadequate internal traffic circulation?</i>   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| g)   | <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i> | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| h)   | <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>  | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>  |
| i)   | <i>Other: _____</i>   | <input type="checkbox"/>           | <input type="checkbox"/>                          | <input type="checkbox"/>            | <input type="checkbox"/>  |

**Transportation/Circulation Impacts** - Future development will access onto the following public road(s): Lariat Drive. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

The proposed project is for one Conditional Certificate of Compliance in the Residential Suburban land use category, which could result in the construction of one single-family residence. Such development is estimated to generate about 9.57 trips per day, based on the Institute of Traffic Engineer's manual of 9.57 trips per dwelling unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety; therefore no mitigation measures are necessary although the road frontage will be improved to a 30 foot county gravel road standard.

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**13. WASTEWATER - Will the project:**

|   | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>              | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Adversely affect community wastewater service provider?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Other: _____</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>            | <input type="checkbox"/> |

**Wastewater Impacts** - As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: slow percolation limitations identified. These limitations are summarized as follows:

Slow Percolation – is where fluid percolates too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be less than 120 minutes per inch. To achieve compliance with the Central Coast Basin Plan, additional information will be needed prior to issuance of a building permit that shows the leach area can adequately percolate to achieve this threshold.

**Mitigation/Conclusion** - The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

**14. WATER - Will the project:**

|  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|--|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) <i>Violate any water quality standards?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i> | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) <i>Change the quantity or movement of available surface or ground water?</i>  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) <i>Adversely affect community water service provider?</i>   | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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**14. WATER - Will the project:**

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

f) Other: \_\_\_\_\_

☐
☐
☐
☐

**Water Impacts** - The project proposes to use an on-site shared well as its water source. Implementation of the proposed project would require the use of water resources, as the lot will be developed with a maximum of one primary, and one secondary dwelling unit. These units will be required to use on-site wells. A referral response was received from the County Environmental Health Division recommending a shared well agreement, well completion reports, pump test, and a full water quality report.

The topography of the project is nearly level. The closest creek from the proposed development is approximately .05 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

The proposed project is for one Conditional Certificate of Compliance in the Residential Suburban land use category, which could result in the construction of one single-family residence. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 1.18 acre feet/year (AFY).

*1 residential lots (w/primary (0.85 afy) & secondary (0.33 afy) X 1 lots) = 1.18 afy*

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

**Mitigation/Conclusion** - Prior to recordation of the Conditional Certificate of Compliance, the applicant is required to provide the following to the satisfaction of County Environmental Health Division: A Shared well agreement, well completion report, pump tests, and a full water quality report. Implementation of these approved plans and test would mitigate potential water quality impacts to less than significant.

**15. LAND USE - Will the project:**

Inconsistent

Potentially  
Inconsistent

Consistent

Not  
Applicable

a) *Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?*

☐
☐
☒
☐

b) *Be potentially inconsistent with any habitat or community conservation plan?*

☐
☐
☒
☐

c) *Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?*

☐
☐
☒
☐



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| 15. LAND USE - Will the project:                           | Inconsistent             | Potentially Inconsistent | Consistent                          | Not Applicable           |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Be potentially incompatible with surrounding land uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other: _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**Setting/Impact** - Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study. The intent of the Conditional Certificate of Compliance is to apply conditions and mitigation measures, which are designed to ensure future development of the parcel is compatible with surrounding uses. For example, as proposed by the County Agricultural Commissioner, a 375-foot agricultural buffer will be applied to the project (measured from the northern property line) to mitigate potential land use conflicts with adjacent agricultural lands.

**Mitigation/Conclusion** – To mitigate for potential land use incompatibilities with adjacent agricultural uses, a 375-foot agricultural buffer will be applied to the project to ensure that no structures for human habitation are constructed within 375-feet from the irrigated row crops to the north of the subject parcel.

| 16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:  | Potentially Significant  | Impact can & will be mitigated | Insignificant Impact                | Not Applicable           |
|---|--------------------------|--------------------------------|-------------------------------------|--------------------------|
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)  | <input type="checkbox"/> | <input type="checkbox"/>       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or  |                          |                                |                                     |                          |

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*indirectly?*

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

| <b>Contacted</b>                    | <b>Agency</b>                                 | <b>Response</b>       |
|-------------------------------------|---|-----------------------|
| <input checked="" type="checkbox"/> | County Public Works Department                | <b>In File**</b>      |
| <input checked="" type="checkbox"/> | County Environmental Health Division          | <b>In File**</b>      |
| <input checked="" type="checkbox"/> | County Agricultural Commissioner's Office     | <b>In File**</b>      |
| <input type="checkbox"/>            | County Airport Manager                        | <b>Not Applicable</b> |
| <input type="checkbox"/>            | Airport Land Use Commission                   | <b>Not Applicable</b> |
| <input type="checkbox"/>            | Air Pollution Control District                | <b>Not Applicable</b> |
| <input type="checkbox"/>            | County Sheriff's Department                   | <b>Not Applicable</b> |
| <input type="checkbox"/>            | Regional Water Quality Control Board          | <b>Not Applicable</b> |
| <input checked="" type="checkbox"/> | CA Coastal Commission                         | <b>None</b>           |
| <input type="checkbox"/>            | CA Department of Fish and Game                | <b>Not Applicable</b> |
| <input type="checkbox"/>            | CA Department of Forestry                     | <b>Not Applicable</b> |
| <input type="checkbox"/>            | CA Department of Transportation               | <b>Not Applicable</b> |
| <input checked="" type="checkbox"/> | Los Osos Community Service District           | <b>In File**</b>      |
| <input checked="" type="checkbox"/> | Other <u>Los Osos Community Advisory Cncl</u> | <b>None</b>           |
| <input type="checkbox"/>            | Other _____                                   | <b>Not Applicable</b> |

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked (☒) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> Area Plan and Update EIR   |
| <u>County documents</u>   | <input type="checkbox"/> Circulation Study  |
| <input type="checkbox"/> Airport Land Use Plans   | <u>Other documents</u>  |
| <input checked="" type="checkbox"/> Annual Resource Summary Report  | <input checked="" type="checkbox"/> Archaeological Resources Map                                      |
| <input type="checkbox"/> Building and Construction Ordinance  | <input checked="" type="checkbox"/> Area of Critical Concerns Map                                     |
| <input type="checkbox"/> Coastal Policies   | <input checked="" type="checkbox"/> Areas of Special Biological Importance Map                        |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)   | <input checked="" type="checkbox"/> California Natural Species Diversity Database                     |
| <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: | <input checked="" type="checkbox"/> Clean Air Plan  |
| <input checked="" type="checkbox"/> Agriculture & Open Space Element  | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Energy Element  | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)   | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Housing Element   | <input checked="" type="checkbox"/> Regional Transportation Plan                                      |
| <input checked="" type="checkbox"/> Noise Element   | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input type="checkbox"/> Parks & Recreation Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)       |
| <input checked="" type="checkbox"/> Safety Element  | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input checked="" type="checkbox"/> Land Use Ordinance  | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Real Property Division Ordinance   |   |
| <input type="checkbox"/> Trails Plan  |   |
| <input type="checkbox"/> Solid Waste Management Plan  |   |

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

**Cultural Resources Inventory of Patague Parcel APN: 074-222-002, Ethan Bertrando, November 30, 2004**

**Exhibit B - Mitigation Summary Table****Agricultural Resources**

AG-1 **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

AG-2 **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

**Water**

W-1 **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide the following to the satisfaction of County Environmental Health Department: A shared well agreement, well completion report, pump tests, and a full water quality report.

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July 25, 2005

**DEVELOPER'S STATEMENT FOR  
Patague Conditional Certificate of Compliance  
ED04-377; C03-0354/ S030112C**

JUL 28 2005

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Agricultural Resources**

**Agricultural Buffer**

AG-1 **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide an agricultural buffer on the subject property as shown on the attached exhibit A, and as follows:

- a. 375 feet along and from the northern property line of the subject parcel (APN: 074-222-002)

No structures used for human habitation shall be constructed in the agricultural buffer area (subject to possible removal of this condition upon application).

**Monitoring:** Required prior to recordation of the Conditional Certificate of Compliance. The County Department of Planning and Building will review building permit applications on the subject parcel for compliance with the restrictions of the agricultural buffer.

AG-2 Prior to transfer of the parcels created by this subdivision, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm and Leash ordinances currently in effect at the time said deed(s) are recorded.

**Water**

W-1 **Prior to recordation of the Conditional Certificate of Compliance**, the applicant shall provide the following to the satisfaction of the County Environmental Health Department: A well completion report, pump tests, and a full water quality report.

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**Monitoring:** Required prior to recordation of the Conditional Certificate of Compliance. Compliance will be verified by the County Environmental Health Department, and Planning and Building Department.

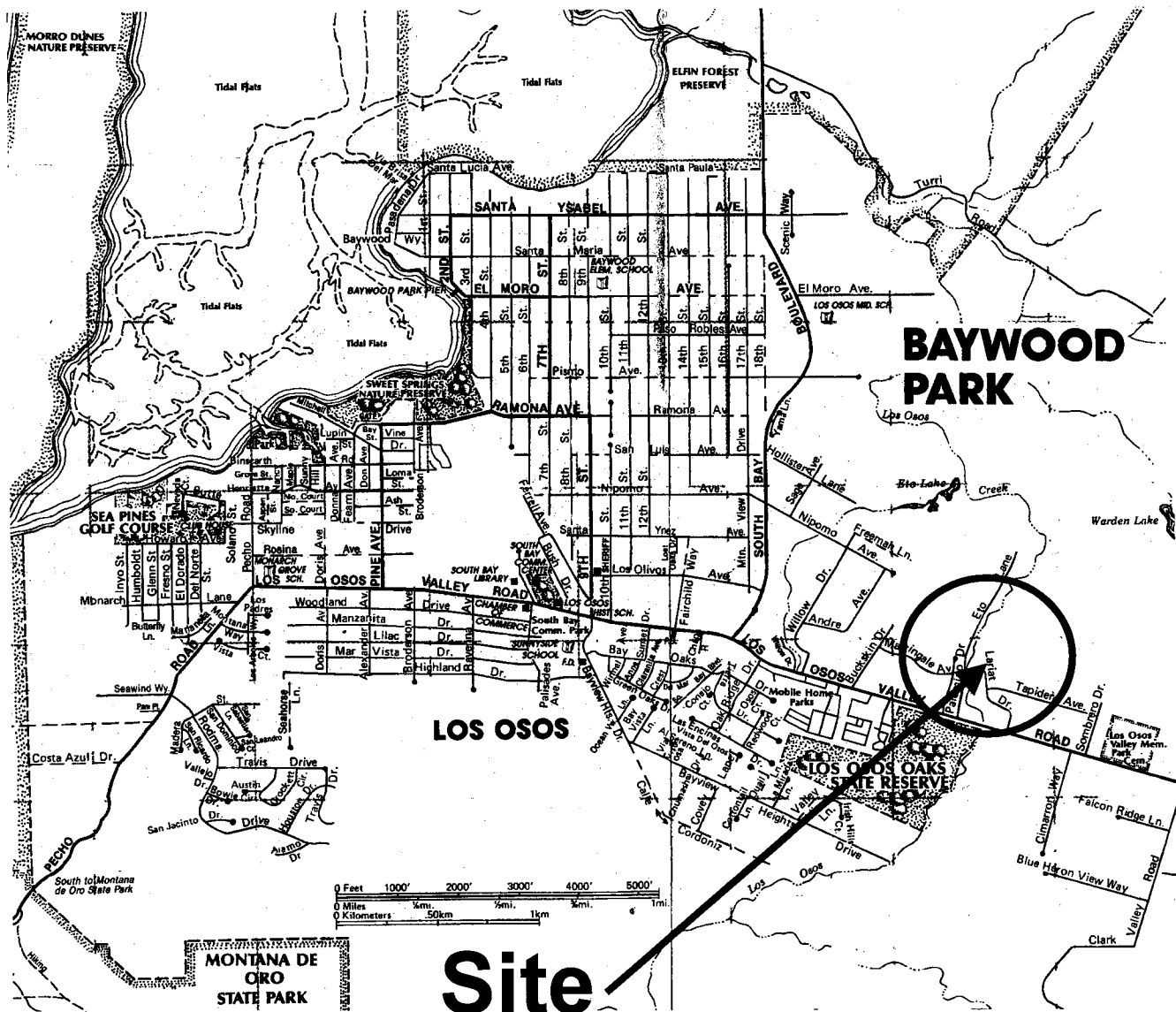
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Teodora Patague July 29, 2005  
Signature of Owner(s) Date

TEODORA PATAGUE  
Name (Print)

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



**PROJECT**  
Conditional Cert. of Compliance  
Patague/ S030112C (C03-0354)

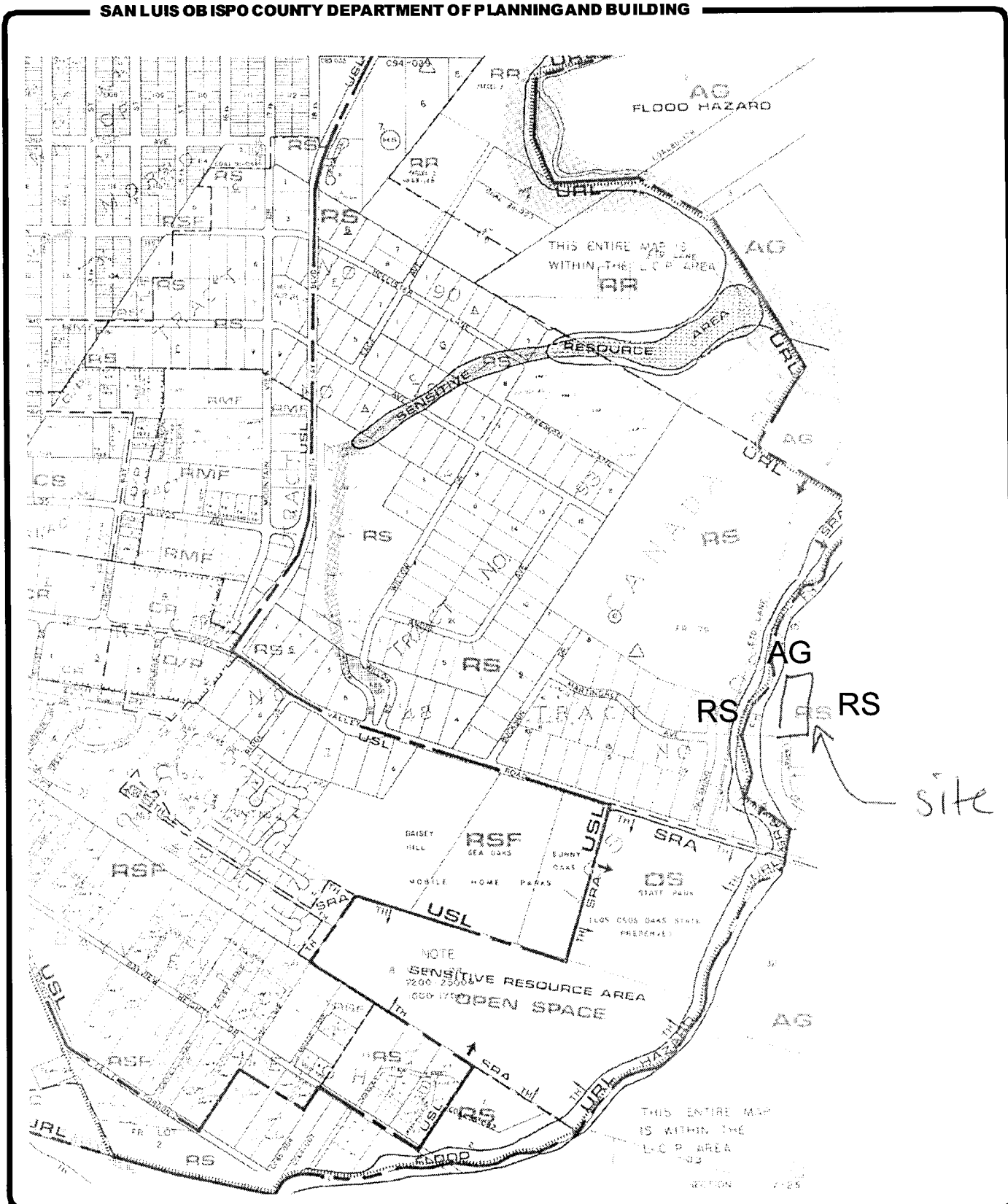


**EXHIBIT**  
Vicinity Map

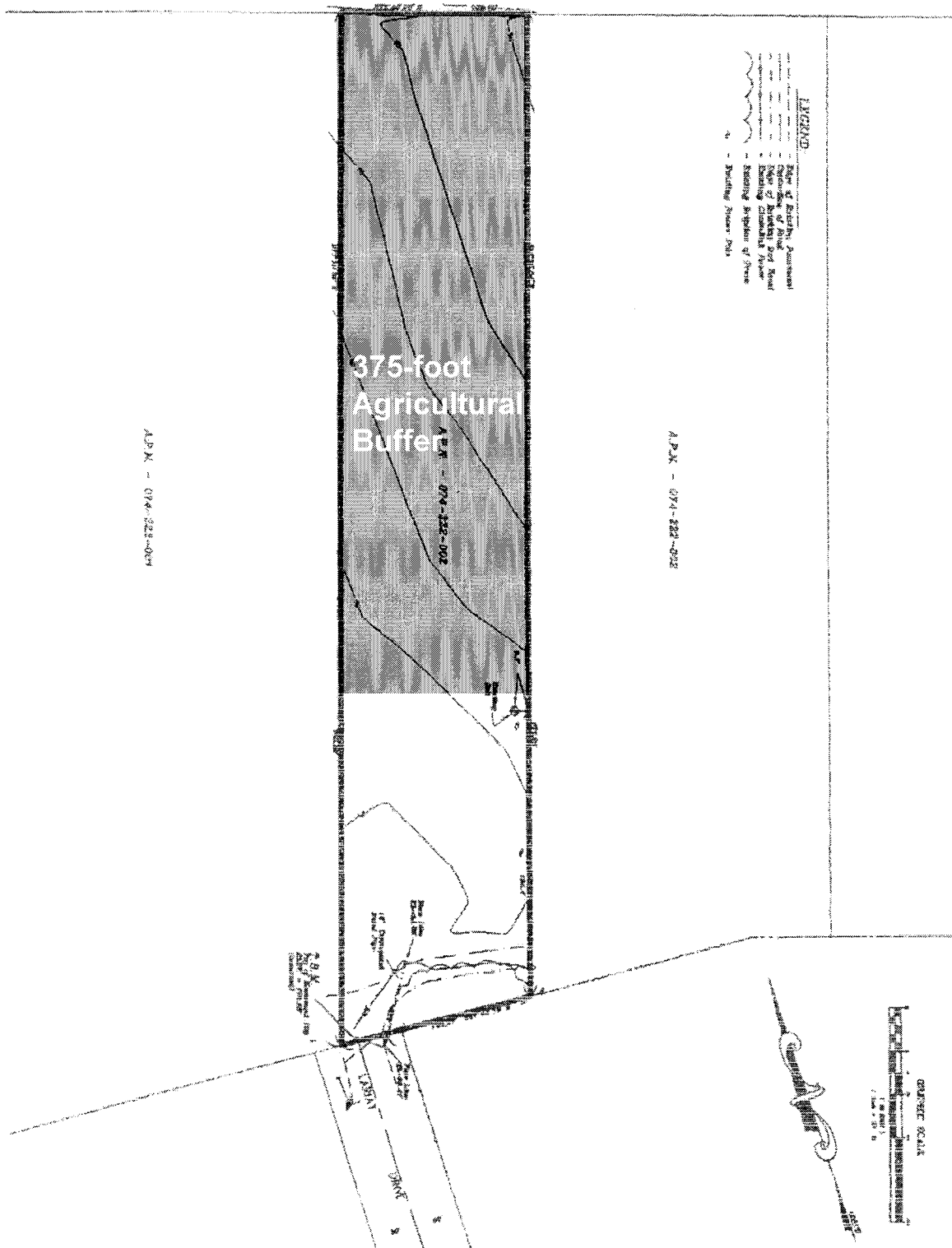


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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



**SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING**



**PROJECT**  
Conditional Cert. of Compliance  
Patague/ S030112C (C03-0354)



**EXHIBIT** \_\_\_\_\_  
**Exhibit A –**  
**Agricultural Buffer**